

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
Western Division

DEVIN G. NUNES

Plaintiff,

v.

RYAN LIZZA

et al.

Defendants.

Case 5:19-cv-4064-CJW-MAR

NUSTAR FARMS, LLC

et al.

Plaintiffs,

v.

RYAN LIZZA

et al.

Defendants.

Case 5:20-cv-04003-CJW-MAR

PLAINTIFFS' RESISTED MOTION TO COMPEL DISCOVERY

Plaintiffs, Devin G. Nunes, NuStar Farms, LLC, Anthony Nunes, Jr. and Anthony Nunes, III ("Plaintiffs"), by counsel, pursuant to Rules 37(a)(3)(B)(iii-iv) and 37(a)(5) of the Federal Rules of Civil Procedure and Local Civil Rules ("LR") 7 and 37, respectfully move the Court to compel discovery from Defendants, Ryan Lizza and Hearst Magazine Media, Inc. ("Defendants") and to award Plaintiffs their reasonable expenses incurred in making the motion, including attorney's fees.

A copy of the disputed discovery requests and Defendants' responses is attached as Exhibits "A", "B", "C", "D", "E" and "F".

A copy of Toni Dian Nunes's victim impact statement is attached as Exhibit "G".

The reasons and bases of this Motion are stated in the accompanying Brief, attached as Exhibit "H".

Certification

The parties, by counsel, have personally conferred in good faith by telephone and via email in an effort to resolve the discovery disputes without Court action.

In accordance with Local Rule 37(a), the Declaration of Counsel for Plaintiffs is attached as Exhibit "I".

CONCLUSION AND REQUEST FOR RELIEF

For the reasons stated above, Plaintiffs respectfully request the Court to grant their Motion to Compel Discovery, order the Defendants to provide complete answers to interrogatories and all responsive documents or confirm that they have no documents, or, in the alternative, to enter summary judgment on the issue whether the defamatory implication of the Article is false, and award Plaintiffs their attorney's fees incurred in making this motion.

DATED: October 7, 2022

Signature of Counsel on Next Page

DEVIN G. NUNES
NUSTAR FARMS, LLC
ANTHONY NUNES, JR.
ANTHONY NUNES, III

By: /s/ Steven S. Biss

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2022 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for the Defendants and all interested parties receiving notices via CM/ECF.

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